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Margaret B. White

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Caudle
Prior Serial No.: 09/410,353
Prior Filing Date: September 30, 1999
Title: Contoured Pouch With Pourable Spout, and Apparatus and Process for Producing Same

Docket No: D-43260-04

Examiner: unknown

Prior GAU: unknown

Preliminary Amendment

Commissioner For Patents
United States Patent And Trademark Office
Washington, D. C. 20231

Sir:

In the Specification:

On page 1, before "Field of the Invention", please insert:

- - The present application is a divisional application of our prior US patent application serial no. 09/410,353 filed on September 30, 1999, now allowed, the benefit of the filing date of which is hereby claimed under 35 U.S.C. § 120. - -

Please replace the sentence beginning on page 10, line 2, with the following rewritten sentence:

- - A preferred apparatus 965 for use in connection with the present invention is shown schematically in Fig. 11 and described in, for example, published European Patent Application No. 98402857.1 (Publication No. EP 0 917 946). - -

In the Claims:

Please cancel claims 1 to 49.

Please add the following claims:

50. A single pouch comprising a first lateral edge and a second lateral edge, each of the first and the second lateral edges comprising a concave surface and a convex surface, wherein the concave surface of the first lateral edge is substantially opposite the convex surface of the second lateral edge and the convex surface of the first lateral edge is substantially opposite the concave surface of the second lateral edge.

51. The single pouch of claim 50 wherein at least one of the first and the second lateral edges is substantially S-shaped.

52. A single pouch comprising a first lateral edge and a second lateral edge, the first lateral edge comprising a concave surface and the second lateral edge comprising a convex surface, wherein the concave surface of the first lateral edge is substantially opposite the convex surface of the second lateral edge.

53. The single pouch of claim 52 wherein at least one of the first and the second lateral edges is substantially S-shaped.

54. A single pouch comprising a first lateral edge and a second lateral edge, each of the first and the second lateral edges comprising a non-rectilinear portion, wherein a distance between the first and the second lateral edges is substantially the same for all elevations of the pouch.

55. The single pouch of claim 54 wherein at least one of the first and the second lateral edges is substantially S-shaped.

Remarks

In the Specification

The material incorporated by reference at page 10, starting at line 2 is not essential information. It merely refers a foreign publication which describes one of apparatus useful in connection with the invention. A detailed description of that apparatus appears in the specification at page 10, and shown in Figure 11, and modifications to that apparatus are further described in the specification and accompanying drawings. The specification has therefore now been amended to remove the incorporation by reference.

In the Claims

Claims 1 to 49 have been canceled.

Claims 50 to 55 have been added. These added claims are similar to original claims 1 and 12 to 15 which were rejected in the parent application over the Schwartzkopf reference (some of the other claims of the parent case and a divisional case directed to apparatus have been allowed), but in each of which the word "single" has been inserted.

Schwartzkopf, a reference cited in the parent case and two other divisional applications, shows a *double* bag made up of two tapered bags which complement to form a rhombus or rectangle (column 1, lines 46 to 53). Even where the lateral edges are curved, as in Figures 7 and 8 of the reference, the **individual** bag of the double bag arrangement never has a concave surface and a convex surface, wherein the concave surface of the first lateral edge is substantially opposite the convex surface of the second lateral edge, and the convex surface of the first lateral edge is substantially opposite the concave surface of the second lateral edge. Instead, as shown in Figures 7 and 8, the individual pouch has a concave opposite concave format, and a convex opposite convex format.

Also, the individual pouch is always tapered. This means that the distance between the lateral edges, at any elevation of the pouch, will change. In contrast, claim 54 requires that the distance between the first and the second lateral edges is substantially the same for all elevations of the individual pouch.

Making an individual pouch according to Schwartzkopf would not achieve a central object of the invention: the manufacture of pouches without generating scrap between

subsequent pouches in a VFFS arrangement. This is why Schwartzkopf is forced to manufacture two connected pouches at a time.

Applicant thus solicits allowance of new claims 50 to 55.

Please charge the any additional fees which may be required to Deposit Account No. 07-1765.

Attached hereto is a marked-up version of the changes made to the specification and/or claims by this amendment. The attached page is captioned "Version with markings to show changes made".

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Respectfully submitted,



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4-20-01

Date

1. *Pharmaceutical industry* – The pharmaceutical industry is a major player in the healthcare market, and its actions can significantly impact the availability and cost of drugs. The industry has been criticized for its high prices and lack of transparency in its pricing practices.

In the Specification:

The sentence beginning on page 10, line 2, has been amended as follows:

- - A preferred apparatus 965 for use in connection with the present invention is shown schematically in Fig. 11 and described in, for example, published European Patent Application No. 98402857.1 (Publication No. EP 0 917 946) [, which is hereby incorporated by reference in its entirety] . - -